

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19 A-01

CPR-02 SCA-01 SY-10 USSS-00 FBIE-00 DRC-01 /198 W

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E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. DRAFTING COMITE MET TWICE OCT 19 AND COMPLETED FIRST READING OF ARTICLES 3, 4, 5, 6 AND 8. HOWEVER, THIS RESULT NOT IMPRESSIVE AS VIRTUALLY ALL ISSUES LEFT OPEN FOR SECOND READING IN DRAFTING COMITE. NEXT MEETING OF DRAFTING COMITE SCHEDULED FOR OCT 22 DURING MORNING, WHEN COMITE WILL CONSIDER PARAS 1-3 OF ARTICLE 7 AND, HOPEFULLY, BEGAIN SECO**E
*IL:NG OF ARTICLES 3, 4, 5, 6, AND 8.

2. ON ARTICLE 3, FRG SAID IT READY TO DROP ALL AMENDMENTS (EXCEPT ADDITION OF NEW SECOND PARA) AND RALLY TO ILC TEXT IF OTHERS DID LIKEWISE. SOVIETS NOT READY TO AGREE. ON NEW SECOND PARA (SEE A/C.2/L.917), THERE WAS DISCUSSION ABOUT DIFFERENCE IN FRG WORDING AND ALTERNATE WORDING PROPOSED BY GUATEMALA IN 6TH COMITE DEBATE.

3. DISCUSSION OF ARTICLE 4 SEEMED TO SHOW TENDENCY IN FAVOR OF REPLACING WORDS "TO ALL OTHER STATES PARTY" WITH WORDS "TO ALL OTHER INTERESTED STATES."

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4. ON ARTICLE 5, MUCH OF DISCUSSION CENTERED AROUND WHETHER WORD "IMMEDIATELY" IN PARAS 1 AND 2 SHOULD BE REPLACED WITH "AS SOON AS POSSIBLE" (SOVIET PROPOSAL IN A/C.6/L.906) OR WITH "WITHOUT DELAY" (*RAL ISRAELI PROPOSAL) OR LEFT AS IS. TREND FAVORED "WITHOUT DELAY" BECAUSE THAT LANGUAGE USED IN VIENNA CONVENTION ON CONSULAR RELATIONS, BUT WHEN NO AGREEMENT REACHED BECAUSE OF UNWILLINGNESS OF SOVIETS TO GIVE IN, MANY SUGGESTED MERELY TAKING ILC LANGUAGE. SOVIET PROPOSAL TO PROVIDE FOR COMMUNICATION UNDER PARA 1 TO STATE IN WHICH STATELESS PERSON RESIDENT MET WITH REQUESTS FOR EXPLANATION AND SOME OPPOSITION. JAPANESE SUGGESTED LIST OF STATES COULD BE THE SAME AS IN TH**IR PROPOSED ARTICLE 2A, IF THAT AMENDMENT ADOPTED.

5. SWEDISH PROPOSAL FOR ARTICLE 6 (A/C.6/L.933) FAVORED BY WEOS ON DRAFTING COMMITTEE AND OPPOSED BY SOVIETS AND BULGARIANS. NIGERIAN PROPOSAL TO DELETE "WITHOUT EXCEPTION WHATSOEVER" MET UNIFORMLY NEGATIVE RESPONSE AND COMITE DECIDED "PROVISIONALLY TO DROP THIS AMENDMENT.

6. ON ARTICLE 8, DISCUSSION CENTERED ON WHETHER PARA 2 OF ARTICLE 5 SHOULD BE MOVED INTO ARTICLE 8 AS A SECOND PARA, OR LEFT WHERE IT IS, OR MOVED INTO ARTICLE 8 AS FIRST PARA. LANGUAGE OF ARTICLE 8 ACCEPTED BY DRAFTING COMITE AS NO AMENDMENTS HAD BEEN PROPOSED.

7. ON ASYLUM ISSUE, DELOFF HAD FURTHER PRIVATE DISCUSSION WITH SANCHEZ-GSVITO AND STRESSED OUR DESIRE TO AVOID SHOWDOWN IF AT ALL POSSIBLE. SANCHEZ-GAVITO SAID HE MEETING WITH EX FONMIN CARILLO FLORES TOMORROW AND PLANNED SEE IF CARILLO FLORES, WHO VOTED FOR OAS RES OF JUNE 30, 1970, WOULD SUPPORT SANCHEZ-GAVITO EFFORT TO GAIN APPROVAL OF RABASSA TO REDRAFT LANGUAGE TO EXPRESS IDEA THAT "SINCE ACTS IN QUESTION ARE COMMON CRIMES NO DEROGATION FROM ASYLUM CONVENTIONS INVOLVED." SANCHEZ-GAVITO NOT OPTIMISTIC BUT WILLING TO TRY.

8. COMMENT: ALTHOUGH PROGRESS IS SLOW, SITUATION IN GENERAL ENCOURAGING. COMPLETE SILENCE OF ARABS AND THEIR DISINCLINATION TO GIVE ANY INDICATION ONE WAY OR OTHER LIMITED OFFICIAL USE

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SEEMS ODD. UNCLEAR WHETHER THEY ARE UNEASY BUT UNWILLING TO BE ACCUSED OF BEING OBSTACLES, MERELY WAITING FOR PSYCHOLOGICAL MOMENT TO OPEN UP WITH EFFORT TO GAIN EXCEPTION FOR NATIONAL LIBERATION MOVEMENTS, OR WAITING FOR OPPORTUNE MOMENT TO SUGGEST DEFERMENT OF COMPLETION OF CONVENTION TO NEXT UNGA DUE TO LACK OF TIME AND PRESS OF OTHER TIEMS.

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